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Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendant.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MATTHEW R.
BERRY IN SUPPORT OF
DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO, LLC'S MOTION TO
EXCLUDE TESTIMONY AND
OPINIONS OF WAYMO'S
DAMAGES EXPERT
MICHAEL J. WAGNER**

1 I, Matthew R. Berry, declare as follows:

2 1. I am a partner with the law firm of Susman Godfrey. I am a member in good
3 standing of the Bar of the State of Washington. I make this declaration based on personal
4 knowledge and, if called as a witness, I could and would testify competently to the matters set
5 forth herein. I make this declaration in support of Defendants Uber Technologies, Inc. and
6 Ottomotto LLC's Motion to Exclude Testimony and Opinion of Waymo's Damages Expert
7 Michael J. Wagner.

8 2. Attached as **Exhibit 1** is a true and correct copy of the August 24, 2017 Opening
9 Expert Report of Michael J. Wagner.

10 3. Attached as **Exhibit 2** is a true and correct copy of excerpted pages from the
11 September 7, 2017 Rebuttal Expert Report of Walter Bratic.

12 4. Attached as **Exhibit 3** is a true and correct copy of excerpted pages of the
13 deposition transcript of John Krafcik, taken on August 2, 2017.

14 5. Attached as **Exhibit 4** is a true and correct copy of excerpted pages of the
15 deposition transcript of Emil Michael, taken on July 28, 2017.

16 6. Attached as **Exhibit 5** is a true and correct copy a presentation that was produced
17 bearing Bates number UBER00069030 to UBER00069033.

18 7. Attached as **Exhibit 6** is a true and correct copy of excerpted pages of the
19 deposition transcript of Nina Qi, taken on April 21, 2017.

20 8. Attached as **Exhibit 7** is a true and correct copy of excerpted pages of the
21 deposition transcript of Eric Meyhofer taken on August 18, 2017.

22 9. Attached as **Exhibit 8** is a true and correct copy of a presentation that was
23 produced bearing Bates number UBER00232488 to UBER00232514.

24 10. Attached as **Exhibit 9** is a true and correct copy of a document that was produced
25 bearing Bates number WAYMO-UBER-00046625 to WAYMO-UBER-00046640.

26 11. Attached as **Exhibit 10** is a true and correct copy of excerpted pages of the
27 deposition transcript of Ming Su taken on August 23, 2017.

1 12. Attached as **Exhibit 11** is a true and correct copy of a presentation that was
2 produced bearing Bates number UBER00232603 to UBER232629.

3 13. Attached as **Exhibit 12** is a true and correct copy of excerpted pages of the
4 deposition transcript of John Bares taken on June 16, 2017.

5 14. Attached as **Exhibit 13** is a true and correct copy of excerpted pages of the
6 deposition transcript of John Bares taken on August 11, 2017.

7 15. Attached as **Exhibit 14** is a true and correct copy of excerpted pages from the
8 document that was produced bearing Bates number UBER00016453 to 16523.

9 16. Attached as **Exhibit 15** is a true and correct copy of excerpted pages of the
10 deposition transcript of Jur van den Berg taken on August 2, 2017.

11 17. Attached as **Exhibit 16** is a true and correct copy of a NYTimes.com article
12 entitled, "Lyft and Waymo Reach Deal to Collaborate on Self-Driving Cars," dated May 14,
13 2017.

14 18. Attached as **Exhibit 17** is a true and correct copy of a media.ford.com press
15 release entitled, "Ford Targets Fully Autonomous Vehicle for Ride Sharing in 2021; Invests in
16 New Tech Companies, Doubles Silicon Valley Team," dated August 16, 2016.

17 19. Attached as **Exhibit 18** is a true and correct copy of a General Motors press
18 release entitled, "GM Announces More Than 1,100 Jobs to Expand Cruise Automation Self-
19 Driving Operations in California," dated April 13, 2017.

20 20. Attached as **Exhibit 19** is a true and correct copy of a presentation that was re-
21 produced bearing Bates number WAYMO-UBER-00001354-R to WAYMO-UBER-00001371-R.

22 21. Attached as **Exhibit 20** is a true and correct copy of a redacted email chain that
23 was produced bearing Bates number WAYMO-UBER-00084484 to WAYMO-UBER-00084491,
24 dated October 6, 2016.

25 22. Attached as **Exhibit 21** is a true and correct copy of excerpted pages from the
26 August 24, 2017 Opening Expert Report of Lambertus Hesselink, Ph.D.

23. Attached as **Exhibit 22** is a true and correct copy Defendant Uber Technologies, Inc.'s Second Supplemental Responses to Waymo's First Set of Common Interrogatories (Nos. 1-3), dated August 11, 2017.

24. Attached as **Exhibit 23** is a true and correct copy of an excerpted page from the spreadsheet that was produced bearing Bates number UBER00060321 to UBER00060347.

25. Attached as **Exhibit 24** is a true and correct copy of a presentation that was produced bearing Bates number UBER00231730 to UBER00231739.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of September, 2017 at Seattle, Washington.

/s/ Matthew R. Berry

MATTHEW R. BERRY

ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Matthew R. Berry has concurred in this filing.

Dated: September 16, 2017

/s/ Arturo J. González

ARTURO J. GONZÁLEZ